

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARRYL E. WAITE,	)	
	)	
Plaintiff,	)	Civil Action No. 05-736
	)	
v.	)	Judge Flowers-Conti
	)	Magistrate Judge Caiazza
BEAVER COUNTY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Darryl E. Waite submitted his civil rights complaint along with a Motion to Proceed In Forma Pauperis on May 25, 2005. The matter was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. Counsel has since entered his appearance for Mr. Waite.

The Magistrate Judge's Report and Recommendation, filed on February 28, 2007, recommended that the Motion to Dismiss filed by Defendants Staub, Beaver County, Clements and Tesla (Doc. 40) be granted. The parties were allowed ten days from the date of service of the report to file objections. Objections were due on or before March 19, 2007. No objections have been filed. Instead, the Plaintiff voluntarily dismissed all of the non-moving defendants (Doc. 50).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 20th day of March, 2007,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendants Staub, Beaver County, Clements and Tesla (Doc. 40) is GRANTED. With the granting of this motion, all named defendants have been dismissed from the suit and, accordingly, the Clerk is directed to mark this case CLOSED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 49), dated February 28, 2007, is adopted as the opinion of the court.

\_\_\_\_\_  
s/Joy Flowers Conti  
Joy Flowers Conti  
U.S. District Court Judge